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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARTISAN MANUFACTURING CORPORATION,

Plaintiff,

- against -

ALL GRANITE & MARBLE CORPORATION.,

Defendant.

Civil Action No.: 07 CV 11278

**DECLARATION OF JOHN MALTBIE IN FURTHER SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

EXHIBIT J

Page 1

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4

5 ARTISAN MANUFACTURING)
CORPORATION,)

6 Plaintiff,)

7 vs.)

) 07-cv-11278 (WHP)

8 ALL GRANITE & MARBLE)
CORPORATION,)

9 Defendant.)
10 -----)

11
12
13
14 DEPOSITION OF
15 PIOTR "ALEX" OREZIAK
16 Parsippany, New Jersey
17 Monday, February 11, 2008
18
19
20
21
22

23 Reported by:

24 FRANCIS X. FREDERICK, CSR, RPR, RMR

25 JOB NO. 15245A

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February 11, 2008
10:10 a.m.

Deposition of PIOTR "ALEX"
OREZIAK, held at the offices of Hoffmann
& Baron, 6 Campus Drive, Parsippany, New
Jersey, pursuant to Notice, before
Francis X. Frederick, a Certified
Shorthand Reporter, Registered Merit
Reporter and Notary Public of the States
of New York and New Jersey.

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APPEARANCES:

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P. OREZIAK
PIOTR "ALEX" OREZIAK,
called as a witness, having been duly
sworn by a Notary Public, was examined
and testified as follows:
EXAMINATION BY
MR. MALTBIE:
Q. Good morning. My name is John
Maltbie. I'm an attorney with the law firm of
Arnold & Porter. My firm represents Artisan
Corp., the manufacturer and distributor of
Artisan brand sinks, in connection with a
lawsuit that's been filed against All Granite
& Marble Corporation.

Alex, we were just introduced a
second ago but if you could kindly state your
full name and residential address for the
record I'd appreciate it.

A. It's Piotr, but it's spelled in
Polish P-I-O-T-R, Oreziak. The address is 131
Barnosky Court in South Plainfield.

Q. Sorry. Your last name is?

A. Oreziak, O-R-E-Z- as in
Zach-I-A-K.

Q. Thank you. And is there any

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P. OREZIAK
particular reason you go by Alex?

A. When I was employed a couple years
back there was a Peter in the office already
so it's just Alex. You know, it just stayed
that way for many, many years.

Q. Okay.

Prior to today, have you ever been
deposed or given testimony in connection with
a legal matter?

A. No.

Q. What I'd like to do to begin is
just to go over some of the ground rules for
you, how we're going to operate over the next
hour or so. I'll be asking you a series of
questions regarding your knowledge of the
facts and circumstances concerning All
Granite's promotion and use of sinks in
connection with its countertop installation
services. It's your obligation to answer my
questions truthfully and to the best of your
ability.

Do you understand that?

A. Yes.

Q. In the event you do not understand

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1 **P. OREZIAK**
 2 a question I ask please let me know and I'll
 3 rephrase it.
 4 A. Okay.
 5 Q. Also if you need a question
 6 repeated let me know and we'll have the court
 7 reporter who's seated here between us read it
 8 back, okay?
 9 A. Sure.
 10 Q. It's important, because we have a
 11 court reporter here and he's taking down a
 12 written record of everything we say, that you
 13 provide verbal answers to my questions. A nod
 14 or a gesture can't be accurately recorded,
 15 okay?
 16 A. Okay.
 17 Q. If you need to take a break at any
 18 time please let me know and we'll do that.
 19 The only request I have is that you not ask to
 20 take a break while a question is pending.
 21 A. Okay.
 22 Q. And I guess as we move forward it
 23 would be best if you wait for me to finish a
 24 question before you start to answer and I'll
 25 try to wait till you finish your answer before

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1 **P. OREZIAK**
 2 I start my next question. Understood?
 3 A. Yes.
 4 Q. Okay, great.
 5 And, Mr. Oreziak, is there any
 6 reason why you would not be able to testify
 7 truthfully today?
 8 A. No.
 9 Q. And just to clarify an issue with
 10 respect to language, is English your first
 11 language?
 12 A. No.
 13 Q. And what's your first language?
 14 A. Polish.
 15 Q. And were you born in Poland?
 16 A. Yes.
 17 Q. And how long have you been in the
 18 United States?
 19 A. Well, I -- all together?
 20 Q. Sure.
 21 A. Thirteen, 14 years.
 22 Q. And what is the highest level of
 23 schooling that you've completed?
 24 A. I went to college in Poland.
 25 Bachelor's.

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1 **P. OREZIAK**
 2 Q. College in Poland? I'm sorry?
 3 A. Yes.
 4 Q. Have you attended any schooling
 5 here in the United States?
 6 A. Yes. I went to junior high school
 7 for a year. In Queens, New Jersey -- uh, New
 8 York.
 9 Q. And do you feel comfortable
 10 answering my questions in English?
 11 A. Yes.
 12 Q. Mr. Oreziak, did you speak with
 13 anyone other than your attorney in
 14 anticipation or preparation for your testimony
 15 here this morning?
 16 A. This morning, yes.
 17 Q. Who did you speak to?
 18 A. Robert.
 19 Q. And when did you speak with
 20 Robert?
 21 A. When I arrived over here.
 22 Q. And prior to today did you speak
 23 with Robert at any time about your testimony?
 24 A. Um-hum.
 25 Q. And when was that?

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1 **P. OREZIAK**
 2 A. Well -- he told me that I have to
 3 come over here so we talked for a while.
 4 Q. And do you recall when he first
 5 told you that you had to come here?
 6 A. No. Not exactly. I don't have
 7 the exact date if that's what you're asking.
 8 Q. Was it last week? The week
 9 before? Do you recall approximately how long
 10 ago?
 11 A. I think it was last week. Last
 12 week, I guess.
 13 Q. And what did he tell you about why
 14 you would have to come here?
 15 A. I have to testify. Basically that
 16 we're being sued for the sinks. That's all I
 17 know.
 18 Q. Did he explain any further about
 19 the lawsuit?
 20 A. Well, generally, I mean, I guess.
 21 I mean, I don't have -- we know -- yeah, you
 22 could say that.
 23 Q. And what did he tell you about
 24 that lawsuit?
 25 A. Well, that I have to testify.

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1 P. OREZIAK
 2 That also Peter and Chris had to come down
 3 over here. We'll be asked a series of
 4 questions. You know, and just say the truth.
 5 That's it.
 6 Q. And you mentioned Peter and Chris.
 7 Who are they?
 8 A. Peter is a sales rep, same as
 9 Chris. His real name is Daniel.
 10 Q. And do Peter and Chris work for
 11 you?
 12 A. They work in the South Plainfield
 13 office, yes.
 14 Q. And what is your understanding of
 15 Robert's position?
 16 A. Well, he's the marketing director,
 17 basically.
 18 Q. So is it correct to say that you
 19 had two conversations with Robert about your
 20 testimony here today?
 21 A. You could say that.
 22 Q. Is that correct or --
 23 A. Um-hum.
 24 Q. Yes?
 25 A. I mean, he called me before I came

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1 P. OREZIAK
 2 down over here once. And he told me on the
 3 cell phone that I have to come down over here.
 4 And then I spoke to him -- this is the second
 5 time I spoke to him today.
 6 Q. What is your understanding of the
 7 allegations in this lawsuit?
 8 A. Well, basically I understand that
 9 Artisan is suing us that we're selling their
 10 sinks which is not true.
 11 Q. Anything else?
 12 A. Just that.
 13 Q. Were you instructed to collect any
 14 documents relating to this lawsuit?
 15 A. No.
 16 Q. Do you know if any other All
 17 Granite employees were asked to search for
 18 documents in connection with this lawsuit?
 19 A. I don't know.
 20 Q. Did you review any documents in
 21 preparation for your testimony here today?
 22 A. No.
 23 Q. Did Robert show you any documents?
 24 A. In regards to -- I'm not quite
 25 sure. I mean, could you clarify the question?

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1 P. OREZIAK
 2 Q. Did he show you any of the
 3 Complaint, for instance, in this action?
 4 A. No.
 5 Q. Did he show you an investigator's
 6 report in connection with this action?
 7 A. No.
 8 Q. Are you aware that there is an
 9 investigator's report in connection with this
 10 action?
 11 A. No.
 12 Q. Have you heard that a private
 13 investigator was hired to make a purchase at
 14 the South Plainfield location of All Granite?
 15 A. Yes.
 16 Q. And who told you that?
 17 A. Robert.
 18 Q. When did he tell you that?
 19 A. The first time.
 20 Q. Mr. Oreziak, you are currently
 21 employed by All Granite; is that correct?
 22 A. Yes.
 23 Q. And how would you describe the
 24 nature of All Granite's business?
 25 A. We're granite and marble

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1 P. OREZIAK
 2 fabricators. We install counters, fireplace
 3 surrounds.
 4 Q. Did you speak to either Chris or
 5 Peter about their testimony?
 6 A. For a second, yes.
 7 Q. When did that conversation take
 8 place?
 9 A. When they came -- when I -- when
 10 they were here. I think -- what was that?
 11 Thursday or Friday.
 12 Q. Thursday?
 13 A. Thursday. After they came back to
 14 the office.
 15 Q. Did you speak to them prior to
 16 that?
 17 A. In regards to --
 18 Q. In regards to this action.
 19 A. I told them -- because Robert told
 20 me that the three of us will have to come down
 21 over here to testify. I did talk to them
 22 about that, yes.
 23 Q. And what did you say to them?
 24 A. That they have to come down over
 25 here and that they will probably talk to

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1 P. OREZIAK
2 Robert about any other more details.
3 Q. Did you discuss with them the
4 allegations in this lawsuit?
5 A. No.
6 Q. Mr. Oreziak, how long have you
7 been employed by All Granite?
8 A. Five and a half years.
9 Q. And do you have a title?
10 A. Yes. Manager.
11 Q. And as manager what do your duties
12 and responsibilities include?
13 A. Well, basically project manager.
14 So I make sure all the technical details for
15 the fabrications are correct. I'm also in the
16 sales office. I'm responsible for the sales
17 office. And I also -- I take care of the
18 insurance. I'm also the benefits
19 administrator.
20 Q. Are there any other managers in
21 the South Plainfield location?
22 A. You could say Daniel is a manager.
23 He's second after me. If I'm not there for
24 any reason, he can take part of the
25 responsibilities.

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1 P. OREZIAK
2 Q. And when you say Daniel you're not
3 talking about the Daniel that's Chris?
4 A. No, no. There's another Daniel.
5 Yeah, yeah.
6 Q. So would you say that you are the
7 person in charge of the day-to-day activity at
8 the South Plainfield location?
9 A. You could say that, yes.
10 Q. And who do you report to, if
11 anyone?
12 A. Well, the owner. And Marian who's
13 the guy basically in charge of the location.
14 That's the owner's brother.
15 Q. Myron is it?
16 A. It's spelled M-A-R-I-A-N. Marian.
17 Q. And who's the owner?
18 A. Richard.
19 Q. And do Richard or Marian regularly
20 work out of the South Plainfield location?
21 A. Richard doesn't, no. He's in
22 Ridgefield Park. Marian is in South
23 Plainfield.
24 Q. And what does Marian do out of
25 South Plainfield?

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1 P. OREZIAK
2 A. Basically he's responsible for the
3 overall location.
4 Q. How many salespeople work out of
5 the South Plainfield location?
6 A. I guess five, six. I would say
7 five.
8 Q. Could you name them for me?
9 A. We have Peter. We have Chris. We
10 have Myron. Robert. And Julia. But she
11 actually left the company.
12 Q. And when did she leave the
13 company?
14 A. Friday.
15 Q. Any particular reason?
16 A. Another job I guess.
17 Q. And does All Granite have more
18 than one location?
19 A. Yes.
20 Q. How many locations do they have?
21 A. Three.
22 Q. And where are they located?
23 A. Ridgefield Park, South Plainfield
24 and Stroudsburg, Pennsylvania.
25 Q. And have you been to each of these

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1 P. OREZIAK
2 locations?
3 A. Yes.
4 Q. Are the locations similar in style
5 and layout?
6 A. Ridgefield Park and Stroudsburg
7 are outdoors so they have a yard. But you
8 always have an office. You have the
9 fabrication. You have a shop, yeah.
10 Q. And have you only worked at the
11 South Plainfield location or have you worked
12 in the other location?
13 A. I was in Ridgefield Park. For
14 three years.
15 Q. You worked in Ridgefield Park for
16 three years?
17 A. Yes. Um-hum.
18 Q. Do you know how long the South
19 Plainfield showroom has been in operation?
20 A. Two years.
21 Q. And have you been at South
22 Plainfield that entire time?
23 A. Yeah. The office was open about
24 two years ago. Daniel was the first person to
25 go over there from Ridgefield Park. And then

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1 P. OREZIAK

2 I went about two, three weeks after the
3 opening.4 Q. And have you been the manager
5 since that time?

6 A. Yes.

7 Q. How are you compensated by All
8 Granite? Is it straight salary? Salary plus
9 commission? Or commission only?

10 A. Salary.

11 Q. And who is responsible for keeping
12 track of sales at the South Plainfield
13 location?

14 A. Could you rephrase? Because...

15 Q. We'll come back to that.

16 Do you know if All Granite
17 provides any incentives or awards for its
18 salespeople?

19 A. No.

20 I mean, do I know, yes. We don't
21 have any awards for salespeople.22 Q. Can you walk me through a typical
23 transaction in the South Plainfield store from
24 the customer entering the store to getting an
25 estimate or purchasing a countertop?

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1 P. OREZIAK

2 A. Sure.

3 The customer walks in. One of the
4 sales representatives walks up to the
5 customer. The first question basically is how
6 can we help you and how did you hear about us.
7 Usually the customer takes a couple minutes to
8 look at the sample board. Then they sit down
9 by a desk or they could sit down by a desk
10 with a salesperson right away. And they take
11 the time to provide us with the measurements.
12 The salesperson gathers the information, puts
13 everything into the database. After a couple
14 minutes once the estimate is done, they go
15 outside to take a look at the slabs. And
16 depending on the customer and what type of
17 colors they're looking for, we try to help
18 them out as much as possible to have the color
19 of the stone match the cabinets and so on.20 Q. Okay. How many customers on an
21 average day, average weekday, let's say, do
22 you think you would assist?

23 A. A regular salesperson or myself?

24 Q. Let's talk about you, for example.
25 Personally.

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1 P. OREZIAK

2 A. In person? Because I talk to a
3 lot of person over the phone.

4 Q. In person.

5 A. In person, ten.

6 Q. And would you think that would be
7 the average for your sales staff as well or is
8 it not?

9 A. You could say that, yeah.

10 Q. And on a weekend?

11 A. On the weekend it's much more.

12 Q. Approximately how many would you
13 say?14 A. Well, for example, this Saturday I
15 mean, it was plenty of customers. So even --
16 I don't know, even 30, 40, 50 per person.
17 Saturday is the busiest day so there's a lot
18 of customers that come in.19 Q. I understand you're not open on
20 Sunday?

21 A. No.

22 Q. Can you give me a percentage, to
23 the best of your knowledge, of the percentage
24 of customers who actually end up purchasing a
25 countertop from All Granite that you speak to?

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1 P. OREZIAK

2 A. I don't have an exact number but
3 it's fairly good.

4 Q. A pretty high percentage?

5 A. Pretty high percentage.

6 Q. More than half?

7 A. I would say more than half.

8 Q. And do customers that come into
9 the All Granite South Plainfield location, are
10 they typically educated consumers with respect
11 to what they're looking for?

12 A. Not always. Sometimes.

13 Q. Is it less often that someone
14 knows what they're looking for or is it more
15 often --16 A. Actually, less often. A lot of
17 times we have private homeowners that come in
18 and they're doing this for the first time.19 Q. So what percentage of your
20 business would you say -- or in South
21 Plainfield, at least, are made up of small
22 homeowners who are looking to do a job
23 themselves or with your assistance?24 A. I don't have the exact number.
25 Guessing? Seventy percent.

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P. OREZIAK

Q. And so would it be fair to say that there's another portion of the business that's dealing with contractors?

A. Yes.

Q. And would that be -- would that account for the remainder of the business that you do at South Plainfield?

A. Contractors. Designers. Yes.

Q. And in addition to kitchen countertops you say you do fireplace surrounds. And do you do bathrooms as well?

A. Bathroom vanities, tub surrounds, saddles. We have miscellaneous in the bathrooms. For example, like surrounding for the shower.

Q. Um-hum. And between those different categories, what would you say is the most popular service?

A. Kitchen counters and bathroom vanities.

Q. And between kitchen countertops and bathroom vanities which one is more popular?

A. I would say 50/50.

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P. OREZIAK

Q. On average, and to the best of your knowledge, how many kitchen countertop installations would you say that the South Plainfield location does in a week?

A. Average, 60.

Q. Is that roughly ten a day or so?

A. Yes.

Q. And could it be higher than that?

A. Well, it depends on the season, yeah. It could be lower, could be higher.

Q. And to the best of your knowledge, how many of those kitchen countertop installations would you say include the installation of a sink provided by All Granite?

A. You could say 50/50 or maybe 60/40. So a lot of times customers have their own sinks.

Q. When you say 60/40 is it 60 --

A. Sixty customer sinks, 40 our sinks.

Q. So just based on those numbers we're talking about approximately, say, about 30 All Granite sink installations per week?

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P. OREZIAK

A. Maybe.

Q. Does that seem like too much, too little or --

A. I mean, I wasn't doing the math if that's what you're asking.

Q. Well, no. I'm just -- just going off the numbers that you related, if you're doing 60 installations a week and about half of those include All Granite sinks we're talking about half of that is about 30 a week, correct?

A. You could say that.

Q. Do you know how many sinks All Granite keeps in inventory in the South Plainfield location?

A. More than 20. Twenty something.

Q. Twenty individual sinks?

A. Yeah.

Q. Do you know how these sinks are kept?

A. They're on display basically. We have one each on display throughout the showroom.

Q. And in inventory, do you know how

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P. OREZIAK

they're kept in inventory?

A. They're stacked in the back.

Q. And how many would you say are stacked in the back?

A. I don't know.

Q. Is it hundreds? Thousands?

A. I don't know. Maybe around a hundred. I'm not quite sure. I don't have the exact number.

Q. Do you know who would have that number?

A. Probably the import manager.

Q. And who is that?

A. Well, it would be either -- because we have Blaze in South Plainfield. Or maybe Martin. One of them buys the sinks. I don't know.

Q. So you're not -- are you then not responsible for maintaining the inventory of the sinks in the South Plainfield location?

A. Yes. I'm not responsible.

Q. Do you know how the -- strike that.

Are you involved at all in the

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1 **P. OREZIAK**
 2 intake of sinks into inventory at South
 3 Plainfield?
 4 A. No.
 5 Q. Do you know how they are received
 6 by South Plainfield?
 7 A. Trucks.
 8 Q. And how are they shipped? Do they
 9 come in cardboard packaging?
 10 A. I think it's cardboard and pallets
 11 I guess.
 12 Q. And is there one sink per
 13 cardboard package, if you know?
 14 A. Not sure.
 15 Q. And where -- I know you said that
 16 the warehouse is connected to the showroom
 17 facility in South Plainfield; is that correct?
 18 A. No.
 19 Q. It's not?
 20 A. No.
 21 Q. Where is it?
 22 A. I mean, is it in South Plainfield,
 23 yes. But it's not connected.
 24 Q. How do you get --
 25 A. We have the showroom. We have the

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1 **P. OREZIAK**
 2 A. It's in the back.
 3 Q. It's in the back?
 4 A. Yeah.
 5 Q. And what about the ones on
 6 display, where are those kept?
 7 A. There's a small nook, you could
 8 say, where we have -- where you walk out from
 9 the showroom into the warehouse. There's a
 10 small area where we have the sinks. And then
 11 we have the sinks on the other side of the
 12 showroom.
 13 Q. I'm sorry. Is that two different
 14 areas or one area?
 15 A. You could say two different areas.
 16 Q. Okay. And are both of these
 17 areas -- I mean, are kitchen sinks located in
 18 both of these areas?
 19 A. No. Well, yes.
 20 I mean no. We have one area where
 21 we have the stainless steel sinks and ceramic
 22 for kitchen and bath, and then the other area
 23 has granite, marble, limestone sinks. That's
 24 for bathrooms.
 25 Q. Have you provided any training to

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1 **P. OREZIAK**
 2 entire warehouse where we have the slabs and
 3 in the back you have the sinks.
 4 Q. Okay. So the warehouse where the
 5 slabs are, is that connected to the showroom?
 6 A. It's right next to it, yes.
 7 Q. Is there -- do you have to go
 8 outside to get into the warehouse from the
 9 showroom?
 10 A. Yes.
 11 Q. And how do you get outside?
 12 A. Well, no. You can go through the
 13 office. Through the showroom. Yes.
 14 Q. And so just so I know, there's the
 15 showroom and then there's doors to the
 16 warehouse; is that correct?
 17 A. Yes.
 18 Q. And then in the warehouse there
 19 are the slabs of granite?
 20 A. Yes.
 21 Q. And then where in that warehouse
 22 would the sinks be kept?
 23 A. I mean, in inventory or the ones
 24 on display?
 25 Q. The ones in inventory.

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1 **P. OREZIAK**
 2 the salespeople who work at the South
 3 Plainfield location?
 4 A. Yes.
 5 Q. And what kind of training do you
 6 provide?
 7 A. Customer service from their first
 8 visit explaining the process, helping with the
 9 colors, providing estimates.
 10 Q. Do you also train them on how to
 11 use the computer?
 12 A. They should know the basic -- I
 13 mean, yeah, we train them in regards to using
 14 our database, yes.
 15 Q. Do you provide any specific
 16 training with respect to the sinks that are
 17 offered by All Granite?
 18 A. No.
 19 Q. Do you tell them anything about
 20 the sinks that are offered by All Granite?
 21 A. Just the sinks that we have on
 22 display over here and that they come free as a
 23 gift.
 24 Q. And that's the extent of all the
 25 training that you provide?

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1 **P. OREZIAK**
 2 A. Pretty much.
 3 **Q. How many types of stainless steel**
 4 **kitchen sinks does All Granite offer?**
 5 A. Three.
 6 **Q. And how are those known to**
 7 **salespeople or to yourself?**
 8 A. We have two single bowl sinks,
 9 either D-shaped or rectangular. And we have a
 10 double bowl sink.
 11 **Q. Do you know who manufactures these**
 12 **sinks?**
 13 A. No.
 14 **Q. Has a customer ever asked you who**
 15 **manufactures these sinks?**
 16 A. Yes.
 17 **Q. And what have you told them?**
 18 A. That they're no brand. And we
 19 don't know the manufacturer. Or that they're
 20 our sinks that come free.
 21 **Q. So you've told people both things**
 22 **or one more than the other?**
 23 A. It's hard to say. I mean, usually
 24 we say it's no brand. It's ours.
 25 **Q. And if someone asks about the**

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1 **P. OREZIAK**
 2 **specifications regarding the sinks, what do**
 3 **you tell them?**
 4 A. Well, specifically, I mean, that's
 5 something that the technician actually tells
 6 the -- we just have to -- when we come to the
 7 job site to measure, the technician goes over
 8 all the details. When they come to the
 9 showroom nobody asks about the specifications.
 10 **Q. So no one would ask, for example,**
 11 **whether a sink that is made available by All**
 12 **Granite is a 16 gauge or an 18 gauge sink?**
 13 A. They might ask that, yes. So
 14 that's basically maybe one of the questions.
 15 **Q. And what do you personally tell --**
 16 **well, sorry. Let me strike that.**
 17 **Have you ever had that question**
 18 **directed to you?**
 19 A. Yes.
 20 **Q. And what have you told them --**
 21 **A. Seventeen gauge.**
 22 **Q. Seventeen gauge?**
 23 A. Um-hum.
 24 **Q. And what is that based upon?**
 25 A. What I was told.

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1 **P. OREZIAK**
 2 **Q. And who told you that it was a 17**
 3 **gauge sink?**
 4 A. I believe it was Blaze.
 5 **Q. I'm sorry. And you said Blaze**
 6 **handles -- he's the import manager for the**
 7 **South Plainfield location?**
 8 A. You could say that.
 9 **Q. Does he have any other**
 10 **responsibilities?**
 11 A. Right now he also takes care of
 12 our on-line store.
 13 **Q. And Blaze works out of the South**
 14 **Plainfield location?**
 15 A. Yes.
 16 **Q. Do you recall when Blaze told you**
 17 **that the sinks offered by All Granite were 17**
 18 **gauge sinks?**
 19 A. Not exactly, no.
 20 **Q. Was it in the last six months or**
 21 **last year or some time prior to that?**
 22 A. I think prior, maybe.
 23 **Q. In the -- I think it was five and**
 24 **a half years that you worked for --**
 25 A. Um-hum.

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1 **P. OREZIAK**
 2 **Q. Has All Granite always in that**
 3 **period offered free sinks to consumers?**
 4 A. Yes.
 5 **Q. And do you recall if during that**
 6 **period All Granite ever offered any branded**
 7 **sinks to consumers?**
 8 A. Yes.
 9 **Q. And what brands do you recall**
 10 **being offered by All Granite?**
 11 A. From what I remember from
 12 Ridgefield Park I believe we used to have
 13 Artisan sinks.
 14 **Q. Any other brands?**
 15 A. I don't know.
 16 **Q. Do you recall any other brands?**
 17 A. I don't recall any other brands.
 18 **Q. And, again, doing the math, when**
 19 **you said you were -- I believe you said you**
 20 **were at Ridgefield Park three years ago, at**
 21 **least?**
 22 A. I was -- well, two and a half
 23 years ago.
 24 **Q. Two and a half years ago.**
 25 **When you left Ridgefield Park, do**

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1 P. OREZIAK
2 you recall if Artisan sinks were still being
3 offered by All Granite?
4 A. I don't know. I don't recall.
5 Q. Do you recall -- when you say that
6 All Granite was offering Artisan sinks do you
7 know if they were giving these sinks away as
8 part of a promotion for free or if they were
9 charging money for the sinks?
10 A. It's always been free.
11 Q. And while at Ridgefield Park and
12 offering Artisan sinks, did you receive any
13 training with respect to Artisan sinks?
14 A. No.
15 Q. And since you've been at South
16 Plainfield, are you aware if All Granite has
17 continued to offer Artisan sinks?
18 A. No.
19 Q. And other than what Blaze told you
20 do you have any independent knowledge with
21 respect to the gauge of the sinks that All
22 Granite offers?
23 A. No.
24 Q. So as far as you know they're 17
25 gauge sinks; is that correct?

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1 P. OREZIAK
2 A. Yes.
3 Q. And have you told consumers that
4 they are 17 gauge sinks?
5 A. Yes.
6 Q. Do you recall ever, while at
7 Ridgefield Park, actually completing an order
8 for a customer whereby an Artisan sink was
9 actually going to be installed in their home?
10 A. Could you repeat that question?
11 Q. While you were working at
12 Ridgefield Park and while All Granite was
13 offering Artisan sinks, do you recall ever
14 being involved in a project or a sale where an
15 Artisan sink was actually going to be
16 installed in a consumer's home?
17 A. I don't recall.
18 Q. Do customers ever come to the
19 South Plainfield location of All Granite and
20 ask for a particular brand of sink?
21 A. No.
22 Q. Have you ever told any of the
23 other salespeople that work at the South
24 Plainfield location that the sinks offered by
25 All Granite are 17 gauge sinks?

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1 P. OREZIAK
2 A. Yes. I could have.
3 Q. Do you recall if you ever told any
4 of them that they were 16 gauge sinks?
5 A. I don't recall.
6 Q. Have you ever told a consumer that
7 the sinks offered by All Granite were 16 gauge
8 sinks?
9 A. No.
10 Q. I show you what's previously been
11 marked as Defendant's Exhibit 70 which is a
12 collection of documents produced by All
13 Granite Marble which consist of various
14 advertisements from the Clipper Magazine --
15 A. Um-hum.
16 Q. -- for All Granite & Marble.
17 Mr. Oreziak, if you could look at
18 the second page of this exhibit.
19 A. Um-hum.
20 Q. And could you tell me if you've
21 ever seen this document before? Or a document
22 like it.
23 A. Yeah, I think I've seen this.
24 Q. And what is this document?
25 A. It's just a coupon from the

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1 P. OREZIAK
2 Clipper Magazine. That's it.
3 Q. And there's a coupon portion at
4 the bottom of this page; is that correct?
5 A. Um-hum, yes.
6 Q. And what is that coupon used for?
7 A. To get the free sink and a free
8 cleaner with it.
9 Q. And is it required -- sorry,
10 strike that.
11 Are consumers who are seeking to
12 have a free sink installed with their
13 countertop installation required to present
14 this coupon at the South Plainfield location?
15 A. Not necessarily.
16 Q. Can you explain what that means?
17 A. Well, as long as they say they saw
18 the coupon in the Clipper Magazine we just
19 give them the sink for free.
20 Q. So there's no requirement that
21 they actually present the coupon; is that
22 correct?
23 A. No.
24 Q. If a consumer does present the
25 coupon what did you do with it?

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P. OREZIAK

A. Basically take it and give the sink for free.

Q. Is anything done with the coupon? Do you save it? Do you pass it on to Robert? Something else?

A. I don't think it's actually saved.

Q. And if a customer doesn't have the coupon and doesn't mention that they saw the ad, do they then have to pay for the sink?

A. No, they never pay for the sink. We have a promotion going on all the time.

Q. So if I'm a consumer and I come in and say I want my countertops installed, can you throw in a sink --

A. No problem.

Q. -- and I don't mention the Clipper ad or I don't give the coupon?

A. No.

Q. It's not a problem?

A. No.

Q. Did you ever tell consumers that they need to present the coupon in order to get the free sink?

A. Me personally, no. Sometimes we

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P. OREZIAK

say just give the coupon to the technician that comes to your house and measures. But if they don't it's not a problem.

Q. You mentioned the technicians a couple of times this morning. Do you know if they are aware of the specifications of the sinks that All Granite provides?

A. Just the sizes.

Q. If you look at this coupon it says All sinks free. And then \$360 to \$540 value. Do you see that?

A. Um-hum.

Q. Do you know what those values are based on?

A. I guess that's the price of a regular stainless steel sink in a store.

Q. And do you know if All Granite's ever sold any sinks for \$360?

A. We never sell any sinks.

Q. Do you know if All Granite has advertised any sinks for \$360? For sale.

A. No.

Q. And do you know if All Granite's ever sold sinks for \$540?

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P. OREZIAK

A. No.

Q. Do you know how much the cost -- I'm sorry.

Do you know how much the sinks that All Granite provides to consumers cost?

A. No.

Q. Who would know that? If you know.

A. Maybe Blaze or Martin. I'm not quite sure.

Q. Has a consumer ever asked you about the values that are listed in this coupon?

A. Yes.

Q. And what do you tell them?

A. Same thing. This is the cost of the sink in the store. That's how much you would have to pay for the sink if you were to buy it someplace.

Q. But does All Granite offer its sinks in stores?

A. No.

Q. And so do you know what the basis of the comparison is?

A. No.

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P. OREZIAK

Q. And in your five and a half years at All Granite, have you ever charged a customer for a sink?

A. No.

Q. Are any records kept with respect to sink installations?

A. I don't think so. I don't know.

Q. And how would you know if a sink is to be included in the countertop insulation?

A. Well, that's something that the technician confirms. I mean, to us, in the office it doesn't -- you know, we don't keep track of anything.

Q. So once -- if you just take me back and tell me what is your final involvement in a sale of a countertop.

A. Well, once I get the drawings from the technician, I go over all the measurements, make sure everything is priced out correctly. I confirm the color, the edge with the customer.

Q. And do you confirm the fact that a sink is going to be installed or not?

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P. OREZIAK

A. Well, since the sinks are for free, I mean, I don't really ask about the sinks.

Q. And so is it noted anywhere on the invoices or any of the documents that you create that a sink is to be installed?

A. It should be on the template.

Q. So how would the -- the technician is the person who goes to install the sink; is that correct? Or I'm sorry. Install the countertop.

A. No, he measures.

Well, it depends. Some guys that measure actually install. We have a couple guys that only do the templates. They don't install.

Q. And is a template a full-sized cutout or a piece of paper or something else?

A. Well, it depends. Well, the template for the sink -- if the customer has their own sink, we either bring the template which is out of paper or we actually bring the actual sink from the customer. If it's one of our sinks he just makes a note on the

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P. OREZIAK

template. That's it.

Q. And with -- I mean, the template is a large document? Is that what's actually used?

A. It's pretty big, yeah. It's the actual shape and size of the future countertop.

Q. And are those kept or maintained anywhere?

A. Yeah. We have a place where we put them up on the side.

Q. And do you know if those are ever discarded or destroyed?

A. Yeah, they are destroyed.

Q. Do you know how often?

A. A couple days after installation takes place.

Q. And with respect to the people that go and actually install the countertop in the customer's home, how do they know to bring one of the All Granite sinks with them to the installation?

A. It's on the template.

Q. Mr. Oreziak, we mentioned already

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P. OREZIAK

this morning Artisan sinks. And I take it you've heard of Artisan sinks?

A. I've heard of it.

Q. And how did you hear about them?

A. Because we used to have them in Ridgefield Park. That's the first time I heard that name.

Q. Do you know if Artisan sinks were available at Ridgefield when you started working there?

A. I don't recall.

Q. Do you recall ever meeting anyone from Artisan sinks?

A. No.

Q. And what is your knowledge concerning Artisan sinks?

A. Not much. Just that they offer standard, every-day sinks.

Q. And when you were working at Ridgefield Park did you receive any product training with respect to Artisan sinks?

A. No.

Q. Were you aware that an Artisan sink was on display in the South Plainfield

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P. OREZIAK

showroom up until early January?

A. No.

Q. So the sinks that were on display in South Plainfield up until early January were all All Granite sinks as far as you knew?

A. As far as I knew, yes.

Q. Did there come to be a time when you learned that an Artisan sink was on display in South Plainfield?

A. Yes. When this whole situation with the lawsuit came up.

Q. And who told you that an Artisan sink was on display at South Plainfield?

A. I believe that was Robert.

Q. Do you recall when that was?

A. No.

Q. Do you recall what was done with the sink that was on display?

A. It was removed. It was taken off.

Q. Do you recall when that was?

A. Don't have the exact date, no.

Q. Do you know what was done with the sink after it was removed?

A. No.

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1 P. OREZIAK
2 Q. Have you seen it around the South
3 Plainfield showroom?
4 A. No.
5 Q. Do you know who was responsible
6 for the removal?
7 A. Some guys from the back.
8 Q. Is that technicians or --
9 A. The guys that fabricate in the
10 shop.
11 Q. And was Robert -- do you recall if
12 Robert was there during the removal of the
13 sink?
14 A. I don't think he was there, no.
15 Q. Now, have you ever told a customer
16 that an Artisan sink would be installed in
17 their home?
18 A. No.
19 Q. Have you ever told a customer that
20 a 16 gauge sink would be installed in their
21 home?
22 A. No.
23 Q. Mr. Oreziak, I'd like to show you
24 what's previously been marked as Plaintiff's
25 Exhibit 1.

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1 P. OREZIAK
2 The last paragraph on the first
3 page says, "The retail area is divided into
4 two rooms. The front room is approximately
5 5,000 square feet with a marble and granite
6 tile and table displays at the front and left
7 with a bank of approximately six desks along
8 the right wall."
9 Does that sound like an accurate
10 description of the front room of the All
11 Granite South Plainfield location?
12 A. There's more desks. And I think
13 it's a little less than 5,000 square feet but
14 I'm not quite sure.
15 Q. How many desks are there?
16 A. Eight, nine.
17 Q. When you say less than 5,000, are
18 you talking 2,000 --
19 A. Over 4,000. I guess it's between
20 4- and 5,000.
21 Q. The next sentence says, "The rear
22 of the front room is a waiting area for
23 customers."
24 Would you agree with that
25 description?

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1 P. OREZIAK
2 I'll represent to you that this is
3 a copy of the investigator's report --
4 A. Um-hum.
5 Q. -- that was done by a private
6 investigator hired by Artisan to investigate
7 the sale of Artisan sinks at All Granite &
8 Marble. I'll further tell you that the
9 investigator visited All Granite & Marble on
10 locations, once on November 6th and again on
11 November 27th. She was assisted by Peter
12 Bucko and Chris respectively.
13 Have you seen this document
14 before?
15 A. No.
16 Q. Have you heard about the
17 investigation?
18 A. Yes.
19 Q. And who did you hear about that
20 from?
21 A. Robert.
22 Q. If you look at the second page of
23 the document, the first paragraph -- actually,
24 I'm sorry. Let's go back to the first page.
25 I'm sorry.

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1 P. OREZIAK
2 A. What exactly do they mean by rear
3 area? Is that the walk-through to the
4 warehouse? Because we have -- well, customers
5 have two seats where they can sit on the side
6 when you walk into the showroom. It's on the
7 right.
8 Q. Okay. So is there another area in
9 the rear of the front room that is also a
10 waiting area?
11 A. No. The only waiting area is
12 right by the logo on the right.
13 Q. The next sentence says, "On the
14 left wall there is a small entry to the second
15 room and bathrooms."
16 A. Yes.
17 Q. Is that an accurate description?
18 A. Um-hum.
19 Q. And "The second room has an
20 L-shaped granite countertop along the rear and
21 left wall with several sinks in various
22 designs on display."
23 A. Yes.
24 Q. Is that an accurate description?
25 A. Yes.

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1 P. OREZIAK

2 Q. And it goes on to say, "Each sink
3 has a four-by-six piece of paper with a serial
4 number and price written on it."

5 Do you see that?

6 A. Yes.

7 Q. With respect to that display, do
8 you know, has that display with the
9 four-by-six piece of paper been consistent
10 throughout your time at South Plainfield?

11 A. Yes.

12 Q. So there's always been a
13 four-by-six piece of paper attached with a
14 serial number and price written on it inside
15 the sinks; is that correct?

16 A. Yes.

17 Q. Now, are there any other -- strike
18 that.

19 Does All Granite ever make
20 available in the sink display area any handout
21 materials or other literature?

22 A. I think we had some printouts with
23 the sinks before, yes.

24 Q. And was that a printout with
25 each -- with respect to each sink that was

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1 P. OREZIAK

2 available?

3 A. I think so, yes.

4 Q. And do you recall what those look
5 like?

6 A. Um-hum, yes.

7 Q. What do they look like?

8 A. Well, one printout with the
9 different types of sinks on top.

10 Q. Was it one sheet or was it --

11 A. One sheet.

12 Q. One sheet.

13 If you flip to what's Bates
14 stamped as ART 027, do you see it?

15 A. Um-hum.

16 Q. Is this the sheet that you're
17 referring to?

18 A. Yes.

19 Q. Do you recall if there have ever
20 been any other kinds of handouts in the sink
21 display area?

22 A. No.

23 Q. There have not or you don't
24 recall?

25 A. I don't recall.

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1 P. OREZIAK

2 Q. Okay.

3 Do you recall if there's ever been
4 a sheet or a poster attached to the wall in
5 the sink display area that listed different
6 sink styles or sink style numbers?

7 A. No poster.

8 Q. Any piece of paper attached to the
9 wall?

10 A. It could have been this on the
11 wall (indicating.)

12 Q. Do you know who created the
13 document that's Bates stamped ART 027?

14 A. This was done by one of the
15 employees. He doesn't work there anymore.

16 Q. Do you know what employee that
17 was?

18 A. His name was Kamil.

19 Q. And do you recall when he did
20 that?

21 A. Oh, when we just opened the South
22 Plainfield office.

23 Q. So about two and a half years ago?

24 A. Two years, um-hum.

25 Q. Two years ago?

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1 P. OREZIAK

2 A. Two and a half, yeah.

3 Q. And at the time that the -- that
4 this document was created -- step back for a
5 second.

6 This document lists -- is it eight
7 different styles of sinks?

8 A. No. Right now we have three
9 styles.

10 Q. But overall how many different
11 sink styles are listed on this document?

12 A. Eight. Seven stainless steel
13 sinks.

14 Q. Seven stainless steel. And one is
15 a Kohler ceramic sink; is that correct?

16 A. Um-hum.

17 Q. And four of these sinks are
18 indicated or crossed out as out of stock; is
19 that correct?

20 A. Yes.

21 Q. And have those sinks been out of
22 stock throughout your time at South Plainfield
23 over the last two and a half years?

24 A. Well, we never actually had these
25 sinks. These were just sample sinks that -- I

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1 P. OREZIAK
2 mean, they just didn't work. So when he
3 created this document I crossed that out.
4 That's actually my handwriting.
5 Q. So when you say you never had them
6 you never had them at South Plainfield?
7 A. We had only a couple sample sinks.
8 Q. And do you know if those sinks
9 were actually installed in customers' homes?
10 A. I think two of them were
11 installed. Two, three. Two of these were
12 installed, yes.
13 Q. Okay. Do you know which ones?
14 A. AF8400. The 80252B, the double
15 bowl sink. There are two equal bigger bowls.
16 And the 798529.
17 Q. Do you know if these sinks were
18 available while you were at Ridgefield Park?
19 A. I don't know.
20 Q. Do you know if this --
21 A. I don't recall, no.
22 Q. Do you know if this document was
23 created specifically for South Plainfield?
24 A. Yes. Just for South Plainfield.
25 Q. Okay.

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1 P. OREZIAK
2 And do you recall if there were
3 any other versions of this document or a
4 document like it that listed different sink
5 style numbers?
6 A. Just these numbers.
7 Q. This document lists some prices.
8 For example, the 8455R says \$250 next to it.
9 Do you see that?
10 A. Um-hum.
11 Q. Do you know what that value is
12 based on?
13 A. No.
14 Q. Has a customer ever asked you
15 about that value?
16 A. If a customer ask why it's showing
17 250 we always said that that's basically the
18 value of the sink. And that's how much you're
19 getting a credit. Because basically you get
20 that sink for free.
21 Q. Now, has a customer ever asked
22 you -- or I'm sorry. Strike that.
23 Has a customer ever compared or
24 asked you about the comparison between the
25 values listed here and the values listed on

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1 P. OREZIAK
2 the Clipper coupons?
3 A. I don't recall.
4 Q. Do you have any knowledge as to
5 why the values listed on the sheet and the
6 values listed in the Clipper coupon are
7 different?
8 A. No.
9 Q. Going back to the -- let's go back
10 to the second page of this exhibit. The next
11 paragraph continues, "Protocol at All Granite
12 is to pick your materials from the displays,
13 then wait in line to speak to a representative
14 sitting at the right wall of desks."
15 Do you see that?
16 A. Um-hum.
17 Q. Is that an accurate description of
18 what happens?
19 A. If it's busy, yes.
20 Q. The next sentence indicates that,
21 "AD," who's the investigator, "spoke with a
22 Peter Bucko, a male, 25 years old, thin with
23 blond hair and an Eastern European accent."
24 Would you agree that that's an
25 accurate description of Mr. Bucko?

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1 P. OREZIAK
2 A. Yes.
3 Q. "AD," the investigator, "provided
4 Mr. Bucko with the type of tile for the
5 countertop and dimensions. He printed out an
6 estimate with a cost to purchase and install
7 the countertop."
8 Based on your experience is that
9 typical procedure for a customer inquiry at
10 All Granite?
11 A. Yes.
12 Q. The next sentence says, "Mr. Bucko
13 then took AD," the investigator "and AO" who's
14 another investigator, "over to the tile
15 display to discuss pricing and about the
16 installation of sinks. Mr. Bucko, AD and AO
17 moved into the left room with the sink
18 displays. Mr. Bucko stated that a free sink
19 is provided with the installation of a
20 countertop when a coupon from the Clipper was
21 provided."
22 Is that, again, the regular
23 protocol for a consultation with a potential
24 customer at All Granite?
25 A. If they ask -- yes. But sometimes

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1 P. OREZIAK
2 the customers don't even ask for the sinks.
3 They just go into the warehouse directly to
4 take a look at the colors.
5 Q. So so far has Mr. Bucko done
6 anything wrong with respect to what's being
7 related here?
8 A. No.
9 Q. And is it correct for -- was it
10 correct for Mr. Bucko to have said that a
11 coupon from the Clipper -- that if a coupon
12 from the Clipper was provided a sink would be
13 provided for free in connection with the
14 installation of the countertop?
15 MR. CHIODO: Objection.
16 Mischaracterizes. You can answer.
17 Q. You can answer.
18 A. Okay.
19 THE WITNESS: I should answer?
20 MR. CHIODO: If you can answer the
21 question.
22 THE WITNESS: Okay.
23 A. Well, he mentioned the Clipper but
24 it's not necessary to actually have the coupon
25 from the Clipper.

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1 P. OREZIAK
2 Q. Continuing on, it says "Mr.
3 Bucko..." or "...he then told the
4 investigators about gauge and banged on two
5 sinks to show the difference in sound."
6 Now, have you ever seen Mr. Bucko
7 doing such a demonstration?
8 A. Banging on the sink?
9 Q. Yeah.
10 A. Yeah. Sometimes they do that.
11 Q. Is that something you've ever
12 done?
13 A. No.
14 Q. Do you know why Mr. Bucko would
15 have banged on the sink?
16 A. Just to show it's a good sink.
17 Q. Do you know if Mr. Bucko was
18 banging on the sinks to show that one was a 16
19 gauge and one was an 18 gauge sink?
20 A. I don't know.
21 Q. Is that something that other
22 salespeople besides Mr. Bucko do in the South
23 Plainfield showroom?
24 A. Maybe. I don't know.
25 Q. Have you ever seen anyone else

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1 P. OREZIAK
2 doing it besides Mr. Bucko?
3 A. Not really.
4 Q. Not really or no?
5 A. I don't recall seeing anybody
6 else.
7 Q. The report continues to state, "He
8 pointed specifically to the D-shaped double
9 sink with the serial number 8455R and a price
10 of 250 and said it was a 16 gauge Artisan sink
11 and they were tougher and better than other
12 sinks on the market."
13 Do you know why Mr. Bucko would
14 have told the investigator that?
15 A. He's a salesperson. I don't know.
16 Q. With respect to the removal of
17 what you later learned was an Artisan sink, do
18 you know whether that sink was the sink that
19 bore serial number 8455R?
20 A. The 8455 reflects a double bowl
21 sink. Not a D-shaped sink.
22 Q. Well, is it a D-shaped double bowl
23 or is it just a double sink?
24 A. Well, the double bowl consists of
25 a bigger bowl to your left which you can say

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1 P. OREZIAK
2 has -- is considered a D shape and then a
3 small bowl to the right.
4 Q. Now, do you know if that's the
5 sink that was removed following the initiation
6 of this lawsuit?
7 A. We removed the double bowl sink.
8 Q. And is that the 8455R sink?
9 A. Yes. Yeah.
10 Q. When you say that Mr. Bucko was
11 just being a salesman, what does that mean if
12 he's telling a customer that the sink is a 16
13 gauge Artisan sink?
14 A. Well, he said that -- he said it's
15 as best as any other sink so that's his job,
16 you know.
17 Q. Well, do you know why he would be
18 telling a consumer specifically that it was a
19 16 gauge Artisan sink?
20 A. I don't think he would say that.
21 Q. So you think that the investigator
22 was mistaken?
23 A. Do I think that?
24 Q. Yes.
25 A. Yes.

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Q. Have you ever heard any other salespeople tell consumers that the sinks available are Artisan brand sinks?

A. No.

Q. Have you ever heard any salespeople tell consumers that they could receive an Artisan brand sink as part of the promotion?

A. No.

Q. Not even sort of being a salesperson.

A. No. They always just say it's a free sink that comes with the purchase of the granite countertop.

Q. And if a customer asks about the brand or the maker, what do they say?

A. It's very unlikely for customers to ask about the brand, because the homeowners, they're not educated. So they come in, get a free sink, as soon as they hear free, they don't really go in deeper figuring which manufacturer the sink is coming from.

Q. And have you ever heard any salespeople engaging in discussions with

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Q. And what was it covering?

A. Well, it turns out now that it was covering the logo.

Q. Did any of the other sinks -- or do any of the other sinks in the All Granite showroom have logos or designs on them?

A. I never really paid attention.

Q. So as you sit here today, do you know if they do or they don't?

A. I think some of them do have some kind of logos, yeah.

Q. The next paragraph begins, "Mr. Bucko provided AD with a sheet containing eight examples of sinks, four of which were out of stock. Mr. Bucko pointed to a drawing of a double sink with the same serial number, 8455RR, as the one on display."

Now, based upon that description do you think the investigator was provided with the document that we're looking at, ART 00027?

A. I think so, yes.

Q. And is that normal procedure for the South Plainfield showroom?

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consumers about the gauge of the sinks that are provided by All Granite?

A. Sometimes. Maybe somebody asks about the gauge.

Q. And do you know what those consumers are told?

A. They should be told 17 but I can't -- I don't hear everybody who's in the showroom.

Q. Looking at the next paragraph it says, "The display sinks were exposed under the countertops and the investigators observed padding on the bottom sides of the Artisan sink. AD observed the Artisan logo under the four-by-six paper with a printed serial number and price of the sink."

Do you see that?

A. Um-hum.

Q. With respect to her description of how the sinks are displayed, is that an accurate description?

A. Yeah, you could say that. We had a piece of paper covering -- right in the back of the sink.

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A. Yes.

Q. Now, looking at the next paragraph which begins, "On November 27th, 2007, investigator AD went to All Granite to place an order for a countertop and sink for Joe Amabile under the name Susan Murray."

Do you see that?

A. Um-hum.

Q. The next sentence says "AD met with Chris, a sales representative, to start the order process."

And do you know who Chris is?

A. Yes.

Q. And who's Chris?

A. The person we discussed earlier. His name is Daniel but he works under the name of Chris.

Q. It says, "Chris is an Eastern European male, 25 to 28 years old, with light brown hair."

Do you agree with that description?

A. Yes.

Q. The last sentence in that

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 paragraph says, "Since All Granite does not list by names but by codes, Chris suggested 3917R in the single bowl price category."

Is it accurate to say that All Granite does not list granite colors by names but by codes?

A. We use codes because -- yes.

Q. It says then in the next paragraph, "AD supplied Chris with a drawing supplied by Mr. Amabile. The drawing measured 35.57 square feet of material equaling \$2,534.22 for the material, \$226.09 for the bullnose edge, and \$150 for the sink cutout. He also added a charge for sink installation until AD supplied Chris with a coupon from the Clipper, a coupon circular distributed by mail."

Do you see that?

A. Yes.

Q. And does that sound like a typical transaction that would occur in the South Plainfield location?

A. No. You would never add a charge for a sink.

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Q. Other than that, is there anything that wouldn't have happened in the course of a typical transaction in South Plainfield?

MR. CHIODO: Objection to form.

You can answer.

A. No.

Q. Moving down a couple of sentences, "After the investigator asks what kind of Chris..." I'm sorry, "...what kind of sink it would be, Chris said that there was a display in the rear AD could choose from. AD asked more specifically what brand of sink and that on the previous visit AD was told of the Artisan sinks. Chris confirmed that an Artisan sink could be installed."

Do you see that?

A. Where exactly is that on the --

Q. It's sort of the middle of the paragraph. The top paragraph.

A. Um-hum.

Q. Do you see that?

A. Um-hum.

Q. Are you aware of any salespeople ever confirming to consumers that they could

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 receive Artisan sinks installed in their homes from All Granite?

A. Could you rephrase that question?

Q. Are you aware of All Granite in South Plainfield ever confirming to consumers that they could receive an Artisan sink installed in their home?

A. No.

Q. Do you know why Chris would tell the investigator that the sink installed in her home would be an Artisan sink?

MR. CHIODO: Objection.

Mischaracterizes.

A. No. No.

Q. Do you believe that the investigator is mistaken with respect to that?

A. I don't know.

Q. Is it possible that Chris would have told the investigator that?

A. Maybe. I can't answer for him.

MR. MALTBIE: I'd like to have this marked as Plaintiff's Exhibit 6.

(Plaintiff's Exhibit 6, document bearing production numbers AGM 0049

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through AGM 0053, marked for identification as of this date.)

BY MR. MALTBIE:

Q. Take a look at what's been marked as Plaintiff's Exhibit 6 which is a document produced by All Granite bearing Bates stamp numbers AGM 0049 through AGM 0053.

And, Mr. Oreziak, I'll represent to you that this is the -- these are the documents that were produced to Artisan with respect to the order that was placed by the private investigator on November 27th, 2007.

If you could just take me through this document and first just tell me are these the type of documents that are kept with respect to each installation of the sink by All Granite?

A. You could say that.

Q. And what are -- looking at the first page, AGM 0049, could you tell me what this document is?

A. This is the standard estimate a customer receives from us.

Q. And --

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A. Showing the different price categories and so on.

Q. And is this something that a customer would receive upon coming in to or talking to a salesperson at All Granite?

A. Yes, um-hum.

Q. There's an estimate ID number, 58015.

A. Um-hum.

Q. Is it correct to say then that each estimate is assigned its own unique ID number?

A. Yes.

Q. And do you know if all these estimates are kept in the All Granite computer system?

A. Estimates, yes.

Q. Do you know how long they're kept for?

A. No.

Q. Do you know if estimates are kept for any marketing reasons?

A. Don't know.

Q. To the right of the estimate ID

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number, there are two lines; ones says Created By and the other one says Last Corrected By.

Q. Can you tell me what those two lines mean?

A. Created by means the person who actually opened the estimate. Last corrected by, sometimes customers can call in and say they have more exact measurements, could you just please revise the estimate. So then if the person does that, it's going to show who corrected the estimate.

Q. So this document in particular indicates that Peter Bucko created the estimate on 11/27/2007; is that correct?

A. Yes.

Q. And then it says Last Created By Sebastian Kruszewski on January 7, 2008.

A. Yes.

Q. Who is Sebastian Kruszewski?
A. That's a salesperson from the Ridgefield Park office.

Q. Okay.

Q. And is it common for someone from Ridgefield Park to correct an estimate that

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was created in South Plainfield?

A. No.

Q. Do you know why Mr. Kruszewski was correcting this or -- or correcting this estimate?

A. Well, to be honest, the database -- sometimes if he just goes on the estimate for whatever reason, it's going to save him, even if you didn't make any changes to it.

Q. So --

A. So the last corrected by, that's inc -- I mean, it doesn't show exactly if there were they changes in this situation.

Q. So are you saying that all this really indicates is that the Sebastian Kruszewski accessed the estimate on January --

A. Yes.

Q. -- 7, 2008?

A. Yes.

Q. But there's no way of knowing whether any changes were made to that; is that correct?

A. Well, the customer receives the

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estimate. So they have the original copy so they can always bring it and we can compare it if there are any changes.

Q. And then looking at the second page of this document, could you tell me what this is? If you know.

A. The layout the customer provides us with to get an estimate.

Q. Is it typical that most customers would bring their own layouts in order to get an estimate?

A. Sometimes, yes.

Q. And looking at the third page which is AGM 0051, could you tell me what this document is?

A. This is the production print. This is what I print out and give to the cutter so that they can start fabricating showing the color and the edge.

Q. Now, at the top there's an entry for template or name.

A. Yes.

Q. Do you see that?

A. Um-hum.

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